

CITY OF REDMOND
ORDINANCE NO. 2521

AN ORDINANCE OF THE CITY OF REDMOND,
WASHINGTON, AMENDING RMC 13.07.100 IN ORDER
TO REVISE THE ASSESSMENT AND MODIFICATION
REQUIREMENTS FOR EXISTING STORMWATER
INFILTRATION SYSTEMS, PROVIDING FOR
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE
DATE

WHEREAS, stormwater infiltration systems located in the City of Redmond are owned and maintained by both the City and private property owners; and

WHEREAS, RMC 13.07.100(2) requires that all stormwater infiltration systems existing as of November 2003 be registered with the Director and that the owner or operator of the facility is to conduct an assessment of the potential risks to groundwater from any registered stormwater infiltration system; and

WHEREAS, RMC 13.07.100(2)(d) requires that the Director develop an assessment criteria and schedule for implementation in consultation with affected owners; the Director has completed the collaborative, public process with affected facility owners to develop a comprehensive assessment criteria and modification schedule for existing stormwater infiltration systems; and

WHEREAS, in order to adopt the assessment criteria and schedule for modifications to stormwater infiltration systems that pose a potential significant groundwater hazard, the City's public works staff have recommended that RMC 13.07.100 be amended as provided in this ordinance; and

WHEREAS, staff have consulted with affected property owners and operators in the development of the ordinance and have received the support of those owners and operators for the changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature, and shall become a part of the City Code.

Section 2. Amendment of Section. RMC 13.07.100, Performance Standards, is hereby amended to read as follows:

13.07.100 Performance standards.

A. General Standards. [~~WITHIN FIVE (5) YEARS, A~~]
Any facility or activity existing as of [~~THE EFFECTIVE DATE OF THIS CHAPTER~~] November 1, 2003, within which hazardous materials or other deleterious substances are present shall comply with the relevant performance

standards in RCDG 20D.140.10-300 or equivalent best management practices acceptable to the City.

B. Specific Performance Standards. The following specific performance standards apply to the following listed facilities within Wellhead Protection Zones 1 or 2:

1. Sewer Pipelines. Should the Director have reason to believe that the operation of a sewer pipeline and conveyance system appurtenances existing as of ~~[THE EFFECTIVE DATE OF THIS CHAPTER]~~ November 1, 2003, may be degrading groundwater quality, the Director may require that leak testing be conducted. Should leakage be detected, the Director shall require correction to his/her satisfaction.

2. Stormwater Infiltration Systems. Owners or operators of stormwater infiltration systems existing as of ~~[THE EFFECTIVE DATE OF THIS CHAPTER]~~ November 1, 2003, must address specific risks posed by hazardous material storage or processing. These risks may be mitigated by physical means and/or equivalent best management practices in accordance with an approved, site specific Hazardous Materials Management Plan, stormwater pollution prevention plan, or

equivalent plan accepted by the Director [~~FOR THE~~
FACILITY].

a. Any stormwater infiltration system shall be registered with the Director by February 3, 2009, using [A] the registration form [~~TO BE~~] developed by the Director. Certain stormwater infiltration systems are regulated by the state as Underground Injection Control (UIC) wells under WAC 173-218 and may meet the city's registration requirement by registering their systems as separately required by the Washington Department of Ecology by February 3, 2009, and providing a copy of the Ecology registration to the Director.

b. *Repealed by Ord. 2422.*

c. *Repealed by Ord. 2422.*

d. An assessment of the potential risks to groundwater from any registered stormwater infiltration system shall be completed by the owner or operator and submitted to the Director by February 3, 2011. Assessment criteria [~~SHALL BE~~] have been developed by the Director in consultation with affected facility owners or operators. The assessment shall be completed for each stormwater infiltration

system. ~~[BY A PROFESSIONAL ENGINEER OR ENGINEERING GEOLOGIST REGISTERED IN THE STATE OF WASHINGTON. STORMWATER INFILTRATION SYSTEMS MUST CONFORM TO THE STANDARDS DEVELOPED IN THE ASSESSMENT CRITERIA.]~~

e. If through the assessment process, a stormwater infiltration system is determined to pose a potential significant groundwater hazard based on the assessment score [CRITERIA], the Director shall [REQUIRE THE SYSTEM TO BE MODIFIED OR DECOMMISSIONED] issue an Authorized Work letter detailing the work required to mitigate risks at the facility. Authorized work may include, but not be limited to best management practices, system modifications, or infiltration system replacement to protect groundwater quality, pursuant to the [STANDARDS DEVELOPED] guidance and schedule in the assessment criteria [AND A SCHEDULE TO BE DEVELOPED BY THE DIRECTOR IN CONSULTATION WITH AFFECTED FACILITY OWNERS OR OPERATORS]. If replacement of an infiltration system is required and there are no alternative stormwater discharge options available, then in addition to the authorized work, groundwater monitoring will be required, in accordance with the groundwater monitoring requirements in the assessment

criteria, until an alternative discharge becomes available. If monitoring results for such a facility indicate contamination of the groundwater at any time, all activities contributing to the contamination shall be required to cease immediately.

f. Provisions to prevent releases of hazardous materials into stormwater systems shall be updated in the Hazardous Materials Management Plan, stormwater pollution prevention plan, or equivalent plan accepted by the Director and supported by upgraded or new [INFILTRATION] stormwater system designs, as necessary, to reflect significant changes in types, quantities, and handling of hazardous materials.

g. The owner or operator of a stormwater infiltration system shall notify the Director of the intent to modify or [DECOMMISSION] replace a stormwater infiltration system and shall obtain all appropriate approvals and permits prior to any modification or [DECOMMISSIONING] replacement.

3. Underground Hydraulic Elevator Cylinders.
The owner or operator of any facility with an underground hydraulic elevator pressure cylinder shall

inspect the annulus at least once every six (6) months for evidence of hydraulic fluid leakage and report the results to the Director. If leakage is detected, the facility owner or operator shall complete repairs within thirty (30) days of discovery of leakage, and document such repairs to the Director within thirty (30) days of completion of repairs.

C. Residential Users. Residential users of hazardous materials living in the City of Redmond shall reduce contamination risks to groundwater by:

1. Following storage, use, and disposal instructions on all household hazardous chemical containers;

2. Following storage, use, application, and disposal instructions for pesticides, herbicides, and fertilizers;

3. Following storage, use, and disposal instructions for automotive fuels, lubricants, and cleaning products; and

4. Reporting unauthorized releases of hazardous materials into the environment.


Section 3. Severability. If any section, sentence, clause or phrase of this ordinance or any municipal code section

amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 4. Effective date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary as provided by law.

ADOPTED by the Redmond City Council this 2nd day of
February, 2010.

CITY OF REDMOND

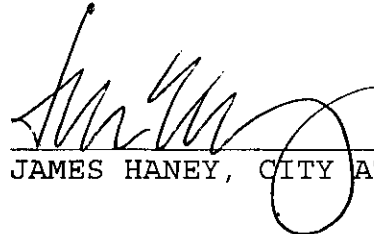

JOHN MARCHIONE, MAYOR

ATTEST:


MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


JAMES HANEY, CITY ATTORNEY

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|-----------------------------|-------------------|
| FILED WITH THE CITY CLERK: | January 27, 2010 |
| PASSED BY THE CITY COUNCIL: | February 2, 2010 |
| PUBLISHED: | February 8, 2010 |
| EFFECTIVE DATE: | February 13, 2010 |
| ORDINANCE NO. 2521 | |

ADOPTED 7-0: Allen, Carson, Cole, Margeson, Myers, Stilin and Vache